

1 AN ACT in relation to minors.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Juvenile Court Act of 1987 is amended by
5 changing Section 5-915 as follows:

6 (705 ILCS 405/5-915)

7 Sec. 5-915. Expungement of law enforcement and juvenile
8 court records.

9 (1) Whenever any person has attained the age of 17 or
10 whenever all juvenile court proceedings relating to that
11 person have been terminated, whichever is later, ~~the--person~~
12 ~~may--petition~~ the court shall automatically ~~to~~ expunge law
13 enforcement records relating to incidents occurring before
14 his or her 17th birthday or his or her juvenile court
15 records, or both, but only in the following circumstances:

16 (a) the minor was arrested and no petition for
17 delinquency was filed with the clerk of the circuit
18 court; or

19 (b) the minor was charged with an offense and was
20 found not delinquent of that offense; or

21 (c) the minor was placed under supervision pursuant
22 to Section 5-615, and the order of supervision has since
23 been successfully terminated; or

24 (d) the minor was adjudicated for an offense which
25 would be a Class B misdemeanor if committed by an adult.

26 (2) ~~The Any--person--may--petition--the~~ court shall ~~to~~
27 expunge all law enforcement records relating to any incidents
28 occurring before a person's ~~his-or-her~~ 17th birthday which
29 did not result in proceedings in criminal court and all
30 juvenile court records with respect to any adjudications
31 except those based upon first degree murder and sex offenses

1 which would be felonies if committed by an adult, if the
2 person ~~for whom expungement is sought~~ has had no convictions
3 for any crime since his or her 17th birthday and:

4 (a) has attained the age of 21 years; or

5 (b) 5 years have elapsed since all juvenile court
6 proceedings relating to him or her have been terminated
7 or his or her commitment to the Department of
8 Corrections, Juvenile Division pursuant to this Act has
9 been terminated;

10 whichever is later of (a) or (b).

11 (3) The chief judge of the circuit in which an arrest
12 was made or a charge was brought or any judge of that circuit
13 designated by the chief judge ~~shall, for~~ may, ~~upon verified~~
14 ~~petition of~~ a person who is the subject of an arrest or a
15 juvenile court proceeding under subsection (1) or (2) of this
16 Section, order the law enforcement records or official court
17 file, or both, to be expunged from the official records of
18 the arresting authority, the clerk of the circuit court and
19 the Department of State Police. Notice of the petition shall
20 be served upon the State's Attorney and upon the arresting
21 authority which is the subject of the petition for
22 expungement.

23 (4) Upon entry of an order expunging records or files,
24 the offense, which the records or files concern shall be
25 treated as if it never occurred. Law enforcement officers and
26 other public offices and agencies shall properly reply on
27 inquiry that no record or file exists with respect to the
28 person.

29 (5) Records which have not been expunged are sealed, and
30 may be obtained only under the provisions of Sections 5-901,
31 5-905 and 5-915.

32 (6) Nothing in this Section shall be construed to
33 prohibit the maintenance of information relating to an
34 offense after records or files concerning the offense have

1 been expunged if the information is kept in a manner that
2 does not enable identification of the offender. This
3 information may only be used for statistical and bona fide
4 research purposes.

5 (Source: P.A. 90-590, eff. 1-1-99.)